

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

CUMMINGS MANOOKIAN, PLLC

Debtor.

BRIAN CUMMINGS

Plaintiff,

v.

**BRETTON KEEFER, on behalf of
the deceased CHESTA
SHOEMAKER, AFSOON HAGH, and
JEANNE BURTON, Trustee on
behalf of CUMMINGS
MANOOKIAN, PLC,**

Defendants.

**Case No, 3:19-bk-07235
Chapter 7
Judge Walker**

Adv. Proc. No. 3:23-ap-90036

**APPELLANTS BRETTON KEEFER AND AFSOON HAGH'S
STATEMENT OF ISSUES ON APPEAL AND DESIGNATION OF RECORD**

Pursuant to Federal Rule of Bankruptcy Procedure 8009, Appellants hereby file this Statement of the Issues to be Presented on Appeal and Designation of Items to be Included in the Appellate Record.

I. Issues To Be Presented

Whether the Bankruptcy Court erred in failing to dismiss this adversary proceeding, or, in the alternative stay the proceeding pending mediation and arbitration.

Whether the Bankruptcy Court erred in making findings and rulings that were neither briefed nor requested by any party to this litigation in violation of the party presentation principle.

Whether the Bankruptcy Court has jurisdiction to hear this matter where the Plaintiff has pled no claims against the Debtor or Trustee, and the Plaintiff further failed to file any Notice of Claim with respect to the Debtor during the allotted period of time to the present.

II. Designation of Items To Be Included in Appellate Record

The items to be included in the appellate record consist of the following:

- All docket entries in the bankruptcy proceeding (No. 3:19-bk-07235), this adversary proceeding (No. 3:23-ap-90036) and related adversary proceeding (No. 3:20-ap-90002), specifically including adversary proceeding docket entries 9, 12, 20, and all attachments thereto.
- Transcript of August 30, 2023 adversary proceeding hearing on motion to dismiss.

Date: September 22, 2023

Respectfully submitted,

/s/ John Spragens
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed September 22, 2023 and served electronically upon all parties in interest or their counsel as indicated on the receipt issued by the Court's electronic filing system.

/s/ John Spragens